

### DETAILED ACTION

1. This Office Action is in response to the Appeal Brief filed 12/9/08. Claims 3-4 and 9-10 have been canceled. Claims 1, 2, and 5-8 are currently pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Musone on 3/4/09.

The application has been amended as follows:

#### IN THE CLAIMS:

In claim 1 lines <sup>19</sup>~~18~~-20, the word "wherein" on line <sup>19</sup>~~18~~ has been deleted and has been replaced by the word "selecting" and the phrase "is selected" on line <sup>20</sup>~~19~~ has been deleted such that lines <sup>19</sup>~~18~~-20 of claim 1 now read as follows:

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"value, and further selecting a quotient of the first predefined weight value and the second predefined weight value to define a tradeoff between a delay introduced by the jitter buffer and a data packet loss rate."

In claim 6 lines <sup>19 20</sup>~~9-21~~, the word "wherein" on line 19 has been deleted and has been replaced by the word "selecting" and the phrase "is selected" on line 20 has been <sup>20</sup>deleted such that lines 19-~~21~~ of claim 6 now read as follows:

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"selecting a quotient of the first predefined weight value and the second predefined weight value to define a tradeoff between a delay introduced by the jitter buffer and a data packet loss rate."

***Allowable Subject Matter***

3. Claims 1, 2, and 5-8 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.